APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,261	04/20/2000	LIMOR SCHWEITZER	XACTP016	5425

28875   7590   01/23/2004

SILICON VALLEY INTELLECTUAL PROPERTY GROUP
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER
HU, JINSONG

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 01/23/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/553,261	SCHWEITZER ET AL.
Office Action Summary	Examiner	Art Unit	
	Jinsong Hu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 November 2003_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-10 and 12-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3-10 and 12-17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a)☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____.

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

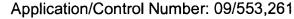3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.   6)☐ Other: .

DETAILED ACTION

1.   Claims 1, 3-10 and 12-17 are presented for examination. Claims 1, 3, 10 and 12

have been amended; claims 2 and 11 have been canceled; claims 14-17 are newly

added claims.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gleichauf et al. (6,499,107 B1) in view of Chiu (US 5,101,402).

4.   Chiu is a prior art reference cited by Examiner on the previous Office Action.

5.   As per claims 1, 10 and 14, Gleichauf teaches the invention substantially as

claimed including a method of reconstructing a session using a first analyzer [4, Fig. 1]

coupled to a second analyzer [5, Fig. 1] and a data collector [36, Fig. 2] the method

comprising:

performing session reconstruction on packets received at a first analyzer [4, Fig. 1; 100, 104, Fig. 4; col. 4, lines 4-7]; and

responsive to successful session reconstruction on the first analyzer, sending a first message to at least one of a second analyzer [5, Fig. 1] separate from the first analyzer and a data collector [36, Fig. 2], the first message corresponding to session data [col. 8, lines 18-30].

6.   Gleichauf does not specifically teach the steps of sending one or more messages comprises unrecognized packet to the second analyzer responsive to unsuccessful session reconstruction on the first analyzer and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session.

7.   However, Chiu on the other hand teaches the step of sending one or more messages comprises unrecognized packet to the second analyzer responsive to unsuccessful session reconstruction on the first analyzer and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session [Fig. 9; col. 8, line 61 – col. 9, line 25]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Gleichauf and Chiu because doing so would improve the functionality of the system by sharing information between different analyzers for recognizing a packet at the most effort instead of simply discard a unrecognized packet at the first analyzer. One of ordinary

skill in the art would have been motivated to modify Gleichauf's system with Chiu's

sending step to improve the performance of the system.

8.   Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McCreery et al. (US 5,787,253) in view of Chiu (US 5,101,402).

9.   As per claims 1, 6 and 14, McCreery teaches the invention substantially as

claimed including a method of reconstructing a session using a first analyzer [336, Fig.

4c] coupled to a second analyzer [346, Fig. 4c] and a data collector [342, Fig. 4c] the

method comprising:

        performing session reconstruction analysis on packets received at the first

analyzer [col. 2, lines 20-22]; and

        responsive to successful session reconstruction on a first analyzer, sending a

first message to at least one of a second analyzer and the data collector, the first

message corresponding to session data [col. 2, lines 22-24 & 34-39].

10.   McCreery does not specifically teach steps of sending one or more messages

comprises unrecognized packet to the second analyzer responsive to unsuccessful

session reconstruction on the first analyzer and the second analyzer recognizes the

unrecognized packets to successfully reconstruct the session.

11.   However, Chiu on the other hand teaches the step of sending one or more

messages comprises unrecognized packet to the second analyzer responsive to

unsuccessful session reconstruction on the first analyzer and the second analyzer

recognizes the unrecognized packets to successfully reconstruct the session [Fig. 9;

col. 8, line 61 – col. 9, line 25]. It would have been obvious to a person of ordinary skill

in the art at the time the invention was made to combine the teaching of McCreery and

Chiu because doing so would improve the functionality of the system by sharing

information between different analyzers for recognizing a packet at the most effort

instead of simply discard a unrecognized packet at the first analyzer. One of ordinary

skill in the art would have been motivated to modify McCreery's system with Chiu's

sending step to improve the performance of the system.

12.   As per claims 3-4 and 15-16, McCreery teaches that the one or more messages

from the first analyzer to the second analyzer further comprise a time the packet was

received and an address information for the packet [col. 2, lines 22-24].

13.   As per claims 5 and 17, McCreery teaches the step of filtering the packets before

them reach the first analyzer [col. 2, lines 16-20].

14.   As per claims 7-9, McCreery teaches that the second analyzer performing the

session reconstruction based on the messages received from first analyzer and sending

a second message to the data collector [col. 2, lines 34-39].

15.   As per claims 10-13, since they are system claims of claims 1-9, they are

rejected for the same basis as claims 1-9 above.

16.   Claim 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Abromavage et al. (WO 00/68811).

17.   Abromavage is a prior art reference cited by Applicant, filed on 6/25/01.

18.   As per claims 1, 6 and 14, Abromavage teaches the invention substantially as

claimed including a method of reconstructing a session using a first analyzer coupled to

a second analyzer [112, 120, Fig. 1] and a data collector [122, Fig. 1] the method

comprising:

    performing session reconstruction analysis on packets received at the first

analyzer [col. 5, lines 14-19; col. 6, lines 3-10]; and

    responsive to successful session reconstruction on a first analyzer, sending a

first message to at least one of a second analyzer and the data collector, the first

message corresponding to session data [col. 6, lines 14-22].

19.   Abromavage does not specifically teach steps of sending one or more messages

comprises unrecognized packet to the second analyzer responsive to unsuccessful

session reconstruction on the first analyzer and the second analyzer recognizes the

unrecognized packets to successfully reconstruct the session.

20.   However, Chiu on the other hand teaches the step of sending one or more

messages comprises unrecognized packet to the second analyzer responsive to

unsuccessful session reconstruction on the first analyzer and the second analyzer

recognizes the unrecognized packets to successfully reconstruct the session [Fig. 9;

col. 8, line 61 – col. 9, line 25]. It would have been obvious to a person of ordinary skill

in the art at the time the invention was made to combine the teaching of Abromavage

and Chiu because doing so would improve the functionality of the system by sharing

information between different analyzers for recognizing a packet at the most effort

instead of simply discard a unrecognized packet at the first analyzer. One of ordinary

skill in the art would have been motivated to modify Abromavage's system with Chiu's

sending step to improve the performance of the system.

21.   As per claims 3-4 and 15-16, Abromavage teaches that the one or more

messages from the first analyzer to the second analyzer further comprise a time the

packet was received and an address information for the packet [col. 5, lines 14-19; col.

6, lines 14-15 & 23-27].

22.   As per claims 7-9, Abromavage teaches that the second analyzer performing the

session reconstruction based on the messages received from first analyzer and sending

a second message to the data collector [col. 6, lines 16-27; col. 10, lines 3-7].

23.   As per claims 10-13, since they are system claims of claims 1-9, they are rejected for the same basis as claims 1-9 above.

24.   Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abromavage et al. (WO 00/68811) in view of McCreery et al. (US 5,787,253).

25.   As per claims 5 and 17, Abromavage teaches the invention substantially as claimed in claim 1. Abromavage does not specifically teach that the packets received at the first analyzer are output from a filter for controlling which packets in a plurality of packets flowing into the filter reach the first analyzer.

26.   However, McCreery on the other hand teaches the step of filtering the packets before them reach the first analyzer [col. 2, lines 16-20]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to filter the packets before analyzing the packets because doing so would relief the burden of the system by avoiding analyzing undesired packets. One of ordinary skill in the art would have been motivated to modify Abromavage's system with McCreery's filter to increase the efficiency of the system.

Conclusion

27.   Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

28.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29.   A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

30.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jinsong Hu whose telephone number is (703) 306 –

5932.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A. Follansbee, can be reached on (703) 305-8498. The fax number for

this Group 2100 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of the application should

be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

January 14, 2004

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100